

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 NAIROBI 004551

SIPDIS

LONDON AND PARIS FOR AFRICA WATCHERS

E.O. 12958: DECL: 08/31/2015

TAGS: [PGOV](#) [ASEC](#) [PREL](#) [KDEM](#) [PINS](#) [KE](#)

SUBJECT: FIRST DEATHS MAR RUN-UP TO KENYA'S REFERENDUM

Classified By: Political Counselor Michael J. Fitzpatrick. Reasons 1.4  
(b,d)

1. (C) SUMMARY: Violence erupted October 29 during a pro-new constitution rally in Kisumu. Hundreds of angry youth opposed to the proposed new constitution clashed with thousands of security personnel, culminating in 40 serious injuries and four reported deaths. The violence was the most deadly incident in referendum campaigns marked by escalating polarization and violence. Both sides in the referendum debate are accusing each other of working to undermine democracy, alleging coup plots and intent to declare a state of emergency, with significant consequences for the successful conduct of the democratic exercise -- whatever the outcome of the referendum. END SUMMARY.

-----  
Going Bananas  
-----

2. (U) Violence erupted in Kisumu October 29 during a pro-new constitution ("Banana") rally lead by Information Minister Raphael Tuju. Hundreds of angry youth opposed to the proposed new constitution clashed with an estimated 3,000 security personnel, culminating in 40 serious injuries and four reported deaths. Kisumu, Kenya's third-largest city, is the capital of Nyanza province, predominantly ethnic Luo in population, and home to an influential Asian business community. It is also home to Minister Raila Odinga -- the man double-crossed out of a Prime Minister-ship under the current government and the leader of the "No" ("Orange") campaign.

3. (C) The October 29 violence did not come as a surprise to most observers. During an October 21-22 visit to Kisumu and its environs, locals and community leaders described as anti-Banana the political environment in the area; members of the Kisumu business community expressed high levels of anxiety about the potential for violence associated with the constitutional referendum in the area. Senior District Officer, Joseph K.W. Satia, told poloff that Nyanza province was 80-20 opposed to the proposed new constitution and that violence was possible. He also stated that support in the area for Tuju (an ethnic Luo viewed by many fellow tribesmen as having "betrayed" the community with support for the draft constitution and his transparent efforts to dethrone Raila as top Luo leader) was low and that those who have expressed support for him have received rewards which Tuju has been busy doling out across the province to garner support for the Banana campaign and his newly formed People's Progressive Party. Many of our interlocutors confirmed this assessment, describing the political environment in the area as being hostile to the Banana campaign's message as a result of the Orange campaign's early aggressive campaigning in the area, lead by Raila Odinga. When questioned about a planned rally to be lead by Tuju on October 22 which was unceremoniously cancelled by Tuju, Provincial Police Commissioner, Bakari Omari remarked that perhaps he was &too scared,8 reflecting the commonly held belief that the area would not welcome Tuju and his team of Banana campaigners.

-----  
An Escalating Trail of Violence  
-----

4. (U) Against this unfavorable background, Tuju vowed to continue with the planned October 29th rally despite harbingers of the violence to come. The Banana campaign encountered hostile crowds throughout Nyanza and Western province in the week leading up to the October 29th rally. On October 25, Tuju had to abort a planned pro-Banana meeting in Nyanza when his helicopter was prevented from landing at the meeting site by a bonfire lit by opponents to the draft constitution. On October 26, Tuju was forced to flee from hostile youth near Kisumu who pelted him with stones and oranges, a scene which was repeated at a number of his public appearances in the area. In Kakamega town, Western province, opponents to the proposed new constitution attacked pro-Banana Member of Parliament Bonny Khalwale and set his car ablaze on October 27.

5. (U) Reaction to the October 29th violence has been critical of the government's response, accusing the security

forces of using excessive force. Police reportedly fired live ammunition to disperse the hostile crowds and leaders of the Orange campaign have threatened to file a suit against the government at the International Court of Justice. Tuju claimed that the unrest was organized by two former military officers. Orange campaign leader Uhuru Kenyatta accused the government of intentional provocation, of instigating the violence so as to create an excuse to postpone the referendum planned for November 21. Despite claims of police brutality, Police Commissioner Hussein Ali expressed his support of the police response and stated that future unrest would be met with equal force. The Luo Council of Elders, influential in Nyanza province, denounced the violence and called for people to reject violence and peacefully allow Banana campaigners to have their say. Orange leaders have condemned the violence on the part of the security forces, but have not been equally outspoken in calling for a halt to violence in the actions of their supporters. Banana supporters have been quick to charge Orange campaigners of seeking to squelch democratic debate and to establish a (pro-Raila) "dictatorship".

-----  
Rumors of Coups and Martial Law  
-----

16. (U) Meanwhile, leaders of the Orange team warned of an increased likelihood of military coups in the future should the proposed new constitution be adopted. Cabinet ministers Ralia Odinga and Kalonzo Musyoka claim that the difficulty to amend the new constitution may make it more likely that people find other means to redress perceived flaws in the constitution, stating that the adoption of the proposed constitution will &push Kenyans into a corner where they have no alternative but to rise up against an undemocratic constitutional order.<sup>8</sup> (NOTE: The proposed new constitution will arguably be more difficult to amend than the current one. The 1 million signatures required to merely propose an amendment is perceived by some of the smaller tribes as a way for the dominant Kikuyu group to perpetuate their hold on power, as the proposed new constitution is perceived to benefit Kikuyus over other groups. END NOTE.) Musyoka also threatened to stage a sit-in in Uhuru Park if the referendum vote is perceived to have been rigged in favor of a Yes outcome. He likened the action to the popular coup of the &orange revolution<sup>8</sup> in Ukraine last year.

17. (U) In response, the government has accused the Orange leaders of sowing anarchy and planning a coup d'etat to overthrow the government should the No,s lose the referendum vote. Repeated dark references have been made to Raila Odinga's "revolutionary" past, his university days in then-East Germany and his role in the 1982 coup attempt against Moi's one-party state. President Kibaki condemned the Ministers, remarks as &foolish and stupid<sup>8</sup> and accused them of agitating people to overthrow the government. The Orange team has denied any intention to plot a coup and subsequently accused the government of planning to declare martial law should the No,s win the referendum vote.

18. (C) COMMENT: The violence which has dogged both campaigns is likely to continue to escalate as threats of coups and martial law are mixed into the debate. Neither side has sufficiently condemned violence by its supporters. Should future unrest be met with renewed lethal force by security personal, the potential for what until now have been isolated scenes of violence to escalate to national-level issues could increase dramatically. Statements such as Kalonzo,s threat to occupy a downtown park if displeased with the outcome of the voting underscore the importance of a referendum process which is perceived by all sides to be free and fair.  
BELLAMY